

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CASE NO. CR06-176-FDB
12 v.)
13) DETENTION ORDER
14 BIRGIS BROOKS,)
15 Defendant.)

Offenses charged:

Count I: Conspiracy to Import Marijuana, in violation of Title 21, U.S.C., Sections 952, 960(a)(1), 960(b)(2)(G), and 963;

Count 2: Conspiracy to Distribute Marijuana, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(B) and 846;

Count 3-4: Possession of Marijuana with Intent to Distribute, in violation of Title 21, U.S.C., Sections 841(a)(1), 841(b)(1)(B), and Title 18, U.S.C., Section 2.

Date of Detention Hearing: October 5, 2007

25 The Court, having conducted a contested detention hearing pursuant to Title 18
26 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention

DETENTION ORDER

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1 hereafter set forth, finds that no condition or combination of conditions which the defendant
2 can meet will reasonably assure the appearance of the defendant as required and the safety
3 of any other person and the community. The Government was represented by Ronald
4 Friedman. The defendant was represented by Robert Goldsmith.

5 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

6 (1) There is probable cause to believe the defendant committed the drug
7 offenses of conspiracy to distribute marijuana. The maximum penalty is
8 in excess of ten years. There is therefore a rebuttable presumption
9 against the defendant's release based upon both dangerousness and flight
10 risk, under Title 18 U.S.C. § 3142(e).

11 (2) The defendant has an outstanding warrant in Canada.

12 (3) He has a history of failing to appear in Washington State courts.

13 (4) The defendant stipulated to detention.

14 Based upon the foregoing information which is also consistent with the recommendation of
15 detention by U.S. Pre-trial Services, it appears that there is no condition or combination of
16 conditions that would reasonably assure future Court appearances and/or the safety of other
17 persons or the community.

18 **It is therefore ORDERED:**

19 (1) The defendant shall be detained pending trial and committed to the custody of
20 the Attorney General for confinement in a correction facility separate, to the
21 extent practicable, from persons awaiting or serving sentences or being held in
22 custody pending appeal;

23 (2) The defendant shall be afforded reasonable opportunity for private consultation
24 with counsel;

25 (3) On order of a court of the United States or on request of an attorney for the
26 Government, the person in charge of the corrections facility in which the

1 defendant is confined shall deliver the defendant to a United States Marshal for
2 the purpose of an appearance in connection with a court proceeding; and

3 (4) The clerk shall direct copies of this order to counsel for the United States, to
4 counsel for the defendant, to the United States Marshal, and to the United
5 States Pretrial Services Officer.

6 DATED this 5th day of October, 2007.

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9 MONICA J. BENTON
10 United States Magistrate Judge